

A number of small businesses—women-owned businesses, minority businesses, veteran-owned businesses—that tried, through this last 35-day shutdown, to keep their workers on payroll had to take that money out of their business pockets to try to make ends meet. But after a couple of weeks, a lot of them couldn't afford to do that. Those businesses have shut down. Years and in certain cases decades of work down the drain, not because they did something that was mismanagement, not because they did something that was irresponsible, not because they weren't providing the taxpayers with the full value of their work, but because we here in Congress and the White House couldn't come to a common agreement on the most basic responsibility of government, which is to keep the doors open and the lights on.

I held a roundtable recently with a contractor in Springfield, VA. A contractor there named Barbara told me she is behind on her rent and had to take her granddaughter out of daycare because she can't pay the bills. Now, she is glad she is back at work, but that 35 days with no pay—unless we rectify that with this deal that may come to pass before the weekend, she is still left in the cold. Another at that same roundtable told me she had to choose between food and medicine.

A couple of weeks ago, I met a contractor named John, an Afghanistan veteran, who was picking up groceries at the food bank in Arlington because the shutdown wiped out his savings. We had some press, but John didn't want to go on camera. He was a little bit embarrassed that he had to pick up food at the food bank. This is someone who is a veteran. This is someone who continued to serve in terms of protecting the country. Thirty-five days without pay. With the status quo—he will never get those lost earnings back if we don't rectify that this week.

Another contractor named Joseph, who works as a custodian at the Department of the Interior, told me this:

We work just as hard as anyone else. We need our backpay so we can catch up on our bills and survive.

The remarkable thing is, for some of these janitors and custodial workers, on buildings that were open, they had to continue to work and still don't get backpay.

One of the most heartbreaking things was listening to these contractors talk about the shame—the shame of being treated as if their work does not have value. The truth is, these folks take pride in their work because they love their country. That same contractor, Joseph, says he thinks of the building he cleans as the President's house, and he works hard because he wants to make it shine every day. What a disgrace that this government can't even honor his service with back wages so that he can pay his bills and get his personal finances in order.

Many other contractors take pride in their work because it represents their

independence. Over 45,000 disabled Americans work as Federal contractors through the AbilityOne Program. I know this program is very successful in Delaware. The Senator from Delaware will speak on it shortly.

I have met contractors who are double amputees, veterans with PTSD, and folks with physical and intellectual disabilities. They are able to live normal lives and contribute to society because of these Federal contractor jobs. For many of them, these jobs are more than about pay. It is about respect. It is about being valued and part of a community, part of a team at the offices they work in. They suffer more than just about anyone when their lifeline—that source of income, independence, and dignity—is cut off because of a government shutdown.

I will close with something a Federal contractor named Constance told me last week. Even though she and her team of custodians still face tremendous financial hardship, she told me that she remains hopeful. She is hopeful because she and her coworkers are now back to work, and she is hopeful because people in this Chamber are finally starting to listen to folks like her.

I share her hope that the Senate will have the decency and the basic humanity to make sure, one, that we don't close down this government come Friday, and two, that when we come to this deal, we take that moment—and I see colleagues from both sides of the aisle. We have gotten the CBO score. It is scored to make sure the backpay for the contractors, with an emphasis toward low-income contractors, under \$50,000—the cost would be at \$1 billion. That is the CBO score. We ought to make sure that these people's lives—that the work they do is valued.

I hope, as we have this bipartisan deal to avoid the shutdown, that we can also make it right for the folks who oftentimes many of us don't see—who clean the buildings, serve the food, many folks from the disabled community—who rely upon us to do the right thing.

Congress should pass this backpay for Federal contractors legislation. The President should sign it, and if the President doesn't, the Congress should override his veto.

Let's make sure, as we did with Federal workers, that they will always be assured that they will get their backpay. Let's make sure that contractors get that same decency. It is time to do the right thing.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

NOMINATION OF WILLIAM BARR

Mr. COONS. Mr. President, I rise today to offer briefly my remarks on the nomination of William Barr to serve as Attorney General of the United States.

This past Thursday, when the Judiciary Committee of the Senate considered him, I was absent, being the co-

chair of the National Prayer Breakfast. I would like to offer my conclusions briefly here on the floor.

I have weighed carefully over several weeks William Barr's nomination to serve as the next Attorney General. Initially, I have to say, I was greatly encouraged that the President nominated a nominee whose service had included leadership roles in the Justice Department, including Attorney General of the United States.

However, I believe my responsibility to assess Mr. Barr's candidacy requires me to consider his entire record, including his recent writings, his statements, and his work, and to focus on his ability to actually meet the test of our current time. Having met with him in person, having questioned him during the Judiciary Committee's confirmation hearing, having reviewed his record, and having reviewed his written answers to questions submitted for the record, I ultimately believe Mr. Barr does not meet this test. I am not confident that he will uphold the Attorney General's critical role in defending the Department of Justice as an institution and in ensuring that the special counsel's investigation proceeds with independence and, by so doing, restores the trust of the American people in the rule of law.

In weighing his nomination, the memo Mr. Barr chose to author in June 2018—and to submit—criticizing the special counsel's investigation into obstruction of justice, I concluded was significant and could not be ignored. Mr. Barr tried to narrow or minimize the import of this memo by saying it was a specific application to a particular statute. The fact remains that his memo is rooted in and embraces an exceptionally broad theory of executive power that could threaten not only the special counsel's investigation but a lot of our current understanding of the scope and reach of Executive power.

When I asked him if he had sent other lengthy, detailed legal memos he had researched and written himself to the Department of Justice as a private citizen, he could only cite that one memo from this year, dealing critically with the special counsel's investigation.

At his nomination hearing in the committee, I sought simple and concrete assurances from Mr. Barr that he would give the special counsel's ongoing investigation the independence and separation from partisan politics it needs and deserves. In some instances I was genuinely encouraged by his answers. I was glad to hear a forceful answer from Mr. Barr that he would not fire the special counsel without cause and would resign rather than do so, if so ordered.

On other issues, however, he failed to give the sort of simple and clear commitment that former Attorney General Elliot Richardson gave at his confirmation hearing before the Senate Judiciary Committee during the period of an

important investigation in the 1970s. Mr. Barr would not commit to following the guidance of career DOJ ethics officials on whether he should recuse himself. He would not commit to deferring to special counsel Mueller's investigative decisions. Finally, he would not commit to making special counsel Mueller's final report public. In essence, Mr. Barr is asking the American people and those of us who represent them to trust him to do the right thing. There are reasons to believe that he will, but there are, as I have laid out briefly, reasons to be gravely concerned that he will not.

Something my predecessor here in the Senate, Senator Joe Biden, expressed in voting to confirm him back in 1991, was his grave concerns about his expansive view of Executive power, but that was a very different time in our history, with a different Court and a different context.

I think we must be clear-eyed about the moment our country faces and the Attorney General's potentially pivotal role in ensuring the integrity of the rule of law and the institutions of our democracy. I believe it is my responsibility in the Senate to protect the special counsel investigation, to ensure that other ongoing Federal investigations are not interfered with because of a narrow or partisan purpose, and to safeguard the rule of law.

If Mr. Barr is confirmed, I hope he will prove me wrong. I hope he will demonstrate to the American people of all parties and backgrounds that he will put the interests of our democracy above the moment and partisan priorities. I hope he will prove to be a terrific, solid, and reliable steward for the ongoing investigation. Special Counsel Mueller is leading into Russian interference in the 2016 election. If so, I will gladly put aside our policy differences to work with him for the good of the American people during this critical time, but I regret I have reached the conclusion that I cannot support his nomination this week.

Thank you, Mr. President.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

BORDER SECURITY

Mr. CORNYN. Mr. President, on Monday, I was in El Paso, TX, to talk with some of my constituents about the challenges that exist along our south-west border and how we can work together to address them.

It is almost surreal to have people here in Washington, DC, who have never been to the border and whose, perhaps, only supposed knowledge is from novels they have read or movies they have seen. Having spent quite a bit of time along the border of Texas and Mexico, myself, I can tell you it is a unique part of our country and certainly a unique part of my State.

The people you learn the most from are not the elected officials who serve here in Washington but rather from the Border Patrol, the sheriffs, the mayors,

and countless others who live and work along the border. They can provide, I think, the kind of expert knowledge that we need in order to address the challenges that exist.

What they tell me and what I have learned is that there is no one-size-fits-all, because you can look at urban environments, like El Paso, or you can go out to Big Bend, which has thousands-of-feet-high cliffs overlooking the Rio Grande. Obviously, a physical barrier in one place, like in highly trafficked urban areas, is one situation, but putting it atop a 3,000-foot cliff is another. So no one-size-fits-all solution works.

That is why it is important to listen to the stakeholders who live and work in these communities, and this is key to actually doing something with the feedback they provide. What I have constantly been reminded of is that border security is a combination of three parts: physical barriers in some hard-to-control locations, personnel, and technology. What is best for a high-trafficked urban area, as I said, is probably much different than what is good for the vast expanses between the ports of entry. Figuring out what we need or where we need it is not a decision that ought to be micromanaged in Washington. It should come from the experts who know the threats and challenges along every mile of the border.

While I was in El Paso, we also talked—as we must—about the important role the border plays with our economy. Border communities in Texas depend on people and goods moving legally through our ports.

For example, in Laredo, TX, alone, about 14,000 trucks pass each day through the ports of entry. It is one of the largest if not the largest land-based port in the United States. These goods need to move legally through our ports, and any disruption in legitimate international commerce can have a swift impact on these communities.

For the people of El Paso, for example, border security means much more than just safety. It means economic security as well. Just as it is important to keep the bad actors out, it is equally important to promote efficient transit through our ports for legitimate trade and commerce.

On Monday, I also had a chance to reconnect with my friend Mayor Dee Margo, the Mayor of El Paso. Among other things, we talked about the importance of ensuring that in our efforts to create a strong border, we are not neglecting our ports of entry.

In recent months, a number of El Paso Sector Customs officers have been sent to other high-need areas along the U.S.-Mexico border. The personnel shortage has resulted in increased wait times for both pedestrian traffic and commerce. Certainly, fewer CBP agents mean a reduced vigilance in terms of screening out contraband and other things that we don't want coming into the country. The goods moving through the ports in El Paso fuel not just the local economy, as I said, but

also that of the entire State of Texas—and, I would argue, of the Nation. I share the mayor's concerns on the harmful impact these slowdowns at the ports of entry can have.

As we debate the importance of securing our borders to stop the illegal movement of people and goods, we shouldn't neglect the importance of facilitating legal movement through our ports. We need to do both, whether that means providing additional funding for infrastructure improvements or scanning technology to make sure the ports of entry aren't exploited by drugs in vehicles or other places where they are hard to find. In the absence of scanning technology, if we are unable to find them, the cartels win, and the American people lose. We also know that in addition to that technology, we need additional personnel.

I hope my colleagues listen to the feedback that we have all gotten from the experts and these local stakeholders and take seriously the economic impact on our ports of entry as well.

As I said yesterday, I look forward to reviewing the details of the funding agreement struck by the conference committee, and I hope that, in addition to physical barriers where appropriate, it reflects these principles of smart border security, because when we listen to the experts—the law enforcement officials who work along the border and in the communities—that is when we move in the right direction, spending money in a responsible and smart way rather than just pursuing political agendas from Washington.

NOMINATION OF WILLIAM BARR

Mr. President, we are also going to be voting—perhaps today, maybe tomorrow—on the nomination of William Barr to serve as the next Attorney General of the United States. The role of Attorney General is unique in the President's Cabinet because while you are a political appointee of the President, you are also the Nation's chief law enforcement officer and, obviously, are obligated to put your highest loyalty in upholding the rule of law.

I asked Mr. Barr about this unique role during his confirmation hearing. He told me that over the years he has received a number of calls from people who were being considered for appointment to the position of Attorney General. He told them that if they wanted to pursue any political future, they would be crazy to accept the job of Attorney General. He said: "If you take this job, you have to be ready to make decisions and spend all your political capital and have no future because you have to have that freedom of action." He assured me that he is in a position now in his life where he can do what he needs to do without fear of any consequences.

I was glad to hear that because I believe that is the most fundamental quality of an Attorney General. The Department of Justice must be able to operate above the political fray and